

803 KAR 25:036. Computation of life expectancies for purposes including apportionment and attorney's fees.

RELATES TO: KRS 342.120, 342.260(2), 342.320

STATUTORY AUTHORITY: KRS 342.260(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 342.260(2) requires the executive director to develop or adopt life expectancy tables for use in making computations for the apportionment of benefits under KRS 342.120, computation of attorneys' fees under KRS 342.320, and for use in other situations arising under KRS Chapter 342 in which the calculation of a life expectancy is necessary or desirable, including the computation of assessments or reserves for self-insurers. This administrative regulation establishes guidelines for an administrative law judge to use in computing attorneys' fees and the apportionment of benefits between an employer and the Special Fund and it establishes the life expectancy table to be used in those computations.

Section 1. Computation of the Apportionment of Benefits Between the Employer and the Special Fund. If an administrative law judge is required to compute the apportionment of benefits between the employer and the Special Fund pursuant to KRS 342.120(3), the portions shall be based on the life expectancies contained in the male or female mortality tables in Appendix A of this administrative regulation. If a claim is reopened, the table in effect on the date of the original opinion, award or order approving the settlement agreement shall continue to be utilized.

Section 2. Computation of Attorneys' Fees. If an attorney's fee is being computed by an administrative law judge pursuant to KRS 342.320, the award on which the attorney's fee shall be based shall be as actuarially determined on past and future benefits according to the life expectancies contained in the male or female mortality tables in Appendix A of this administrative regulation.

Section 3. Other Computations. If calculation of a life expectancy is necessary for another purpose, including computation of an assessment or reserve for a self-insured employer, the male or female mortality tables in Appendix A shall be utilized.

APPENDIX A			
AG- ES	BOTH SEXES	MALES	FE- MALES
0	75.8	72.3	79.1
1	75.4	72.0	78.7
2	74.5	71.1	77.8
3	73.5	70.1	76.8
4	72.5	69.1	75.8
5	71.6	68.1	74.8
6	70.6	67.2	73.9
7	69.6	66.2	72.9
8	68.6	65.2	71.9
9	67.6	64.2	70.9
10	66.6	63.2	69.9
11	65.6	62.2	68.9
12	64.6	61.2	67.9
13	63.7	60.3	66.9
14	62.7	59.3	65.9
15	61.7	58.3	65.0

16	60.7	57.4	64.0
17	59.8	56.4	63.0
18	58.8	55.5	62.0
19	57.9	54.6	61.1
20	56.9	53.7	60.1
21	56.0	52.7	59.1
22	55.1	51.8	58.2
23	54.1	50.9	57.2
24	53.2	50.0	56.2
25	52.2	49.1	55.2
26	51.3	48.2	54.3
27	50.4	47.2	53.3
28	49.4	46.3	52.3
29	48.5	45.4	51.4
30	47.5	44.5	50.4
31	46.6	43.6	49.4
32	45.7	42.7	48.5
33	44.7	41.8	47.5
34	43.8	40.9	46.6
35	42.9	40.0	45.6
36	42.0	39.1	44.7
37	41.0	38.2	43.7
38	40.1	37.3	42.8
39	39.2	36.4	41.8
40	38.3	35.5	40.9
41	37.4	34.6	39.9
42	36.5	33.7	39.0
43	35.6	32.8	38.0
44	34.7	32.0	37.1
45	33.8	31.1	36.2
46	32.9	30.2	35.3
47	32.0	29.4	34.3
48	31.1	28.5	33.4
49	30.2	27.6	32.5
50	29.3	26.8	31.6
51	28.5	25.9	30.7
52	27.6	25.1	29.8
53	26.8	24.3	29.0
54	25.9	23.5	28.1
55	25.1	22.7	27.2
56	24.3	21.9	26.4
57	23.5	21.1	25.5
58	22.7	20.4	24.7
59	21.9	19.6	23.9
60	21.1	18.9	23.1
61	20.4	18.2	22.3
62	19.7	17.5	21.5

63	18.9	16.8	20.7
64	18.2	16.1	19.9
65	17.5	15.4	19.2
66	16.8	14.8	18.4
67	16.1	14.2	17.7
68	15.5	13.5	16.9
69	14.8	12.9	16.2
70	14.2	12.4	15.5
71	13.5	11.8	14.8
72	12.9	11.2	14.1
73	12.3	10.7	13.5
74	11.7	10.1	12.8
75	11.2	9.6	12.2
76	10.6	9.1	11.6
77	10.0	8.6	10.9
78	9.5	8.1	10.3
79	9.0	7.7	9.7
80	8.5	7.2	9.2
81	8.0	6.8	8.6
82	7.5	6.4	8.1
83	7.1	6.0	7.6
84	6.6	5.6	7.1
85	6.2	5.3	6.6

(23 Ky.R. 2904; Am. 3355; eff. 2-25-97; TAm eff. 8-9-2007.)